



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	Board of Cosmetology and Barbering
MEETING DATE AND TIME:	Monday, March 12, 2012 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES APPROVED:	March 26, 2012

MEMBERS PRESENT

Kathryn Lord, President, Professional Member
Cecilia Jones, Vice President, Public Member
Carol Guilbert, Secretary, Public Member
Derrick Reed, Professional Member
Deborah Boulden, Professional Member
Hillary Reid, Professional Member
Melinda Schaeffer, Professional Member
Tien Le, Professional Member
Jordana Naftzinger, Public Member
Albert Niezgoda, Professional Member

MEMBERS ABSENT

Linda Wilson, Professional Member
Lisa Aurand, Professional Member
Leila Lord, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Heeney, Deputy Attorney General
Jennifer Witte, Administrative Specialist II

OTHERS PRESENT

Deborah Frazier

Bobbie Tompkins
Jacqueline Watson
Temeka Tabannor
Katherine Sklar
Sandra Lilly

CALL TO ORDER

Ms. Lord called the meeting to order at 9:24 a.m.

REVIEW OF MINUTES

A motion was made by Ms. Jones, seconded by Ms. Schaeffer, to approve the January 30, 2012 minutes as presented. The motion was unanimously carried.

UNFINISHED BUSINESS

Compliance to Consent Agreement

Ms. Witte advised that the Board signed the Consent Agreement for William McGonagle at the January Board meeting and on February 8, 2012, the monetary fined was received.

Re-Review of Applications

A motion was made by Ms. Lord, seconded by Ms. Guilbert, to propose to deny the salon application of Sharon's Sassy Scissors for items on the floor plan. The motion was unanimously carried.

NEW BUSINESS

The agenda was amended to hold the discussion of Maryland as a substantially similar state (agenda item 4.7) at the beginning of new business before the Board.

Discussion of Maryland as a Substantially Similar State

The Board held a discussion as to whether Delaware and Maryland are "substantially similar" states under the Board's reciprocity provision, 24 Del. C. §5109(a). Ms. Heeney advised that there are two reasonable interpretations of Section 5109(a). The states may be considered not substantially similar in that Delaware requires all applicants to have at least a 10th grade education and Maryland requires only a 9th grade education. However, it is reasonable to conclude that these differences are not "substantial" within the meaning of Section 5109(a). Ms. Heeney advised that the decision as to whether the states are substantially similar is a policy decision for the Board. It was noted that, in Maryland, the required education hours for nail technicians and barbers are less than the hours required in Delaware. These differences in requirements are substantial.

After deliberation, a motion was made by Ms. Schaeffer, seconded by Ms. Guilbert, that, except for nail technician and barber applicants, from March 12, 2012 and forward, Delaware and Maryland will be deemed "substantially similar" states for the purposes of determining licensure by reciprocity. The motion was unanimously carried.

Ratification of Applications

A motion was made by Ms. Jones, seconded by Ms. Schaeffer, to approve the ratified Cosmetologist applications of Crystal Gordon, Estelle Marcelin, Tracey Stewart, Wendy Williams, Heather Molineux, Elyssa Mills, the Nail Technician applications of Phuong Nguyen, Minh Quang Le, and Pratima Bahl, the Aesthetician applications of Phetsavanh La, and Pratima Bahl, and the Cosmetologist Reinstatement of Latanya Washington . The motion was unanimously carried.

Review of Reciprocity Applications

A motion was made by Ms. Jones, seconded by Ms. Lord to approve the Cosmetologist applications of Thuthanh Thi Nguyen, Christi Dillmore, Mildred Kyle, Carol Tarbox, Robin Ferguson, Linda Gohlinghorst, Hoeum Phim, Thuy Le Nguyen, Natasha Otero, and Thanh Buu Chau, the Barber Instructor application of Glenn Snader, and the Nail Technician applications of Mui Sam, Loc Huynh, Cam Thu Thi Duong, My Thi Nghiem, and Miren Noguchi. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Lord, to approve the Nail Technician application of Lynn Pham contingent upon receipt of license verification from Pennsylvania. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Schaeffer, to approve the Nail Technician application of Khanh Nguyen contingent upon receipt of a notarized statement from employer. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Schaeffer, to approve the Cosmetologist application of Dawn Lee contingent upon receipt of verification of the Pennsylvania license. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Schaeffer, to propose to deny the Cosmetologist application of Kelly Darden for not meeting the requirements for reciprocity.

Review of Salon/School Applications

A motion was made by Ms. Jones, seconded by Ms. Tien to approve the shop/salon applications of His & Hers Hair Design Inc., Hair FX Salon, Flash Nails, Janaid's The Salon For Men, Christine's Hair Barn, Haus of Lacquer, Hair Daze, DK Nails, Envy Nails & Spa, Untouchables Barber Shop, Shear Magic Hair Designs, A Natural Difference Company, C & D Nails, US Male Modern Barbershop and Complete Elegance, LLC. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Lord, to approve the shop/salon application of Oasis Bath and Body Boutique, LLC. contingent upon receipt of a letter clarifying if hair will be done on the premises. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Lord, to approve the shop/salon application of Shear Expressions and New Beginnings Hair Salon contingent upon receipt of a copy of the professional license for each person working in the salon. The motion was unanimously carried.

Review of Consent Agreement

After review, a motion was made by Ms. Lord, seconded by Ms. Le, to accept the Consent Agreement of Tuan Thanh Nguyen as presented. Ms. Jones was recused. The motion was carried by Ms. Guilbert, Mr. Reed, Ms. Boulden, Ms. Reid, Ms. Schaeffer, Ms. Naftzinger, and Mr. Niezgoda.

After review, a motion was made by Ms. Lord, seconded by Ms. Schaeffer, to accept the Consent Agreement of Katrina Jones as presented. The motion was unanimously carried.

After review, a motion was made by Ms. Lord, seconded by Ms. Boulden, to accept the Consent Agreement of Lawrence Bennett as presented. The motion was unanimously carried.

Applications for Review-Eileen Heeney

The agenda was amended to remove item 4.5.11.

After review by Ms. Heeney, a motion was made by Ms. Lord, seconded by Ms. Jones, to approve the Cosmetologist examination application of Vincent Romano and Chandra Justice, the Cosmetologist Reinstatement by examination application of Victoria Davis, the Cosmetology Apprentice applications of Bobbie Jo Tompkins and Kristyna Sprogell, the Barber Apprentice application of Joshua Quillen, the Cosmetologist Reinstatement application of Sharry Carter, and the Cosmetologist Reinstatement by Apprenticeship application of Larry Kelley. The motion was unanimously carried.

After review, a motion was made by Ms. Lord, seconded by Ms. Le, to propose to deny the Barber application of Robert McGowan for administrative penalties on his Pennsylvania license. The motion was unanimously carried.

After review, Ms. Heeney suggested that a letter be sent to Mr. Robinson advising that currently convictions are not on the substantially related crimes list and when he submits an application a new criminal report will need to be reviewed by the Board.

Complaint Status

08-55-08-Assigned to Hearing Officer
08-03-09-Assigned to Hearing Officer
08-10-10-Office of the Attorney General
08-13-10-Assigned to Hearing Officer
08-16-10-Office of the Attorney General
08-19-10-Assigned to Hearing Officer
08-29-10-Assigned
08-31-10-Assigned
08-36-10-Assigned
08-37-10-Assigned
08-38-10-Assigned to Hearing Officer
08-39-10-Assigned
08-02-11-Assigned

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08-04-11-Assigned
08-06-11-Office of the Attorney General
08-08-11-Assigned
08-09-11-Assigned
08-11-11-Office of the Attorney General
08-12-11-Office of the Attorney General
08-14-11-Assigned
08-15-11-Assigned to Hearing Officer
08-17-11-Assigned
08-18-11-Assigned to Hearing Officer
08-19-11-Assigned
08-20-11-Assigned to Hearing Officer
08-21-11-Assigned
08-24-11-Office of the Attorney General
08-25-11-Dismissed
08-26-11-Assigned
08-27-11-Assigned
08-28-11-Assigned
08-29-11-Assigned
08-30-11-Assigned to Hearing Officer
08-31-11-Assigned to Hearing Officer
08-32-11-Assigned
08-33-11-Assigned
08-35-11-Assigned
08-36-11-Assigned
08-37-11-Assigned
08-38-11-Assigned to Hearing Officer
08-39-11-Assigned to Hearing Officer
08-40-11-Assigned to Hearing Officer
08-41-11-Assigned to Hearing Officer
08-42-11-Assigned to Hearing Officer
08-44-11-Assigned to Hearing Officer
08-45-11-Assigned to Hearing Officer
08-46-11-Assigned to Hearing Officer
08-47-11-Assigned to Hearing Officer
08-48-11-Assigned to Hearing Officer
08-49-11-Office of the Attorney General
08-50-11-Assigned
08-51-11-Assigned to Hearing Officer
08-53-11-Assigned to Hearing Officer
08-55-11-Assigned to Hearing Officer
08-56-11-Office of the Attorney General
08-01-12-Office of the Attorney General
08-02-12-Office of the Attorney General
08-03-12-Office of the Attorney General
08-04-12-Office of the Attorney General
08-05-12-Assigned
08-06-12-Office of the Attorney General
08-07-12-Assigned to Hearing Officer
08-08-12-Assigned to Hearing Officer

Discussion of Maryland as a Substantially Similar State

The Board held a discussion on the similarity between Delaware and Maryland. One of the differences is the high school education requirement. Delaware requires a 10th grade education and Maryland requires a 9th grade education. Not all of the professions under the Cosmetology umbrella are substantially similar as far as their school hour requirement.

Ms. Heeney stated that it is a policy determination for the Board to decide.

After deliberation, a motion was made by Ms. Schaeffer, seconded by Ms. Guilbert, that going forward from today, March 12, 2012, Maryland and Delaware are substantially similar states with the exception of Nail Technicians and Barbers. The motion was unanimously carried.

CORRESPONDENCE

Ms. Witte received correspondence from NIC regarding the Annual Meeting.

OTHER BUSINESS BEFORE THE BOARD

Ms. Le stated that there were several states that did not allow the use of razor blades for the removal of dead skin during a pedicure and added that the Board should take a stance on this procedure because of the use in nail salons and the rate of injury.

Ms. Witte advised that in a discussion with Public Health, the use of razors (usually with a holder) was permitted.

Ms. Le stated that she knows that Maryland, Virginia, Florida, California and Texas do not allow the use of razors and asked that it be added to the March 26th agenda as a topic for discussion.

Ms. Witte advised that the Division has had numerous inquiries pertaining to eyebrow threading in Delaware.

The Board stated that this is a form of hair removal that should only be performed by either a licensed Cosmetologist or Aesthetician, and the Board should look at adding this to the Rules and Regulations.

PUBLIC COMMENT

Jacqueline Watson, Director of the American Beauty Academy, addressed the Board regarding Instructor Temporary Permits. There is no application for a temporary permit available on the Division's website and the exam is only administered three times per year and in the interim these licensees need to work (teach).

Ms. Witte advised that the Division is aware that this is an issue and will strive to make the necessary corrections.

Tameka Tabannor, Instructor at American Beauty Academy, attempted to address the Board regarding an investigation against her, but Ms. Heeney advised that she cannot speak to the Board about a pending complaint that may come before the Board.

Katherine Sklar approached the Board with a complaint about the exam process with Professional Credentialing Services (PCS). The Board advised to send a complaint and the basis for the complaint to the Division.

NEXT SCHEDULED MEETING

The next Board meeting will be March 26, 2012 at 9:00 a.m. in Conference Room A.

ADJOURNMENT

A motion was made by Ms. Lord, seconded by Ms. Jones, to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 10:54 a.m.

Respectfully submitted,

Jennifer Witte
Administrative Specialist, II